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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 CHRISTOPHER WILDER,  
11 Plaintiff,  
12 vs.  
13 SORICH, et al.  
14 Defendants.

Case No. 3:20-CV-00263-CLB

**ORDER GRANTING DEFENDANTS'  
MOTION FOR EXTENSION OF TIME  
TO FILE MOTION FOR SUMMARY  
JUDGMENT**

15 Defendants George G. Sorich and Paul Samsel by and through counsel, Aaron D.  
16 Ford, Attorney General of the State of Nevada, and Kayla D. Dorame, Deputy Attorney  
17 General, hereby move this Court for an extension of time to file a Motion for Summary  
18 Judgment. This Motion is made and based upon Federal Rule of Civil Procedure 6(b)(1)(A)  
19 and LR 26-3.

20 **MEMORANDUM OF POINTS AND AUTHORITIES**

21 **I. FACTUAL ANALYSIS**

22 This is a *pro se* prisoner 42 U.S.C. § 1983 civil rights claim brought by former  
23 inmate, Christopher Wilder (Wilder). The Court entered a scheduling order with a  
24 discovery deadline of May 9, 2022 and a dispositive motion deadline of June 8, 2022.  
25 (ECF No. 19.) Wilder filed a Motion for an Order Compelling Discovery and a Motion for  
26 Extension of Time to Conduct Discovery on April 5, 2022. (ECF Nos. 25 and 26.) Wilder's  
27 Motion to Extend Discovery was granted on April 20, 2022, with a discovery deadline of  
28 July 8, 2022, and dispositive motion deadline of August 8, 2022. (ECF No. 31.)

Wilder filed a Motion for Spoliation Sanctions (ECF No. 39) motion to extend time to conduct discovery (ECF No. 40) and motion to stay proceedings (ECF No. 43). (ECF No. 44 at 1:10-12.) This Court granted Wilder's motion to stay proceedings for 90 days (ECF No. 43), however, Wilder's motion for spoliation sanctions (ECF No. 39) and motion to extend time to conduct discovery (ECF No. 40) were denied with leave to refile following the 90-day stay. (*Id.* at 2:12-13 and 18-20.) This Court lifted the 90-day stay on October 24, 2022 and amended the discovery plan and scheduling order with a discovery deadline of December 23, 2022 and a dispositive motion deadline of January 23, 2023. (ECF No. 47.)

## **II. ARGUMENT**

Defense counsel respectfully requests a forty-five (45) day extension of time to file their dispositive motions from the current deadline of January 23, 2023, until March 9, 2023. Defendants provide the following information in accordance with Local Rule 26-3.

### **A. Discovery Completed**

- Defendants' Initial Disclosures
- Plaintiff's Interrogatories and Request for Production of Documents [Set One]
- Plaintiff's Second Set of Interrogatories to Defendant Sorich
- Plaintiff's Second Set of Production of Documents to Defendant Sorich
- Plaintiff's First Request for Admissions to Defendant Sorich
- Plaintiff's Second Set of Interrogatories to Defendant Samsel
- Plaintiff's Second Set of Production of Documents to Defendant Samsel
- Plaintiff's First Request for Admissions to Defendant Samsel
- Defendants' Supplemental Initial Disclosures
- Defendants' Second Supplemental Disclosures

### **B. Discovery that Remains to be Completed**

No additional discovery is needed in this matter.

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**C. Reasons why the Deadlines Were not Satisfied**

Defense counsel requests an additional forty-five (45) days to file their dispositive motions. Defense counsel is in the process of gathering declarations of various Defendants, and not all of the Defendants are current employees of the Nevada Department of Corrections (NDOC).

Furthermore, Defense counsel is scheduled for trial in *Rhymes v. Keast*, et al., Case No. 3:17-cv-00679-MMD-CLB on January 23, 2023, until January 27, 2023. Because of this, Defense counsel has had to work on other matters with due dates around the same period of time. In addition to helping prepare for trial and going over trial related documents, Defense counsel had a Motion for Summary Judgment due in *Hearring v. Snyder*, et al., Case No. 3:20-cv-00049-MMD-CLB, a settlement conference in *Thomas v. Hanf, Dr.*, et al., Case No. 3:20-cv-00487-MMD-CSD, had to respond to Wilder's Motion for Summary Judgment, and drafted a settlement conference statement on *D'Amico v. Althousen*, et al., Case No. 3:21-cv-00306-ART-CLB that is in the process of being submitted. This is all in addition to Defense counsel's other daily job-related duties in other cases.

Finally, Defense counsel has a prescheduled annual leave from February 1, 2023 until February 6, 2023 and will be unavailable during that time.

Dispositive motion deadline: January 23, 2023

Joint pretrial order (if no dispositive motions filed): February 22, 2023

**D. Proposed Deadlines**

Dispositive motion deadline: March 9, 2023

Joint pretrial order (if no dispositive motions filed): April 10, 2023<sup>1</sup>

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<sup>1</sup> The 8<sup>th</sup> day falls on Saturday, April 8, 2023, therefore the date has been adjusted accordingly.

**E. Good Cause Supports this Request**

Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

This Court should find good cause supports this request. When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

Defendant's request is timely and will not hinder or prejudice Wilder's case. Defense counsel needs additional time to be able to retrieve the declarations from the Defendants since not all of them are current employees of the NDOC. Defendant asserts that the requisite good cause is present to warrant the requested extension of time.

**III. CONCLUSION**

Defendants respectfully request this Court extend the deadline for dispositive motion in this matter. Defendants assert the requisite good cause is present to warrant an extension of time, given Defense counsel's upcoming due dates and trial. The request is timely. Therefore, the Defendants request additional time, up and until **March 9, 2023**, to file dispositive motions in this matter.

DATED this 20<sup>th</sup> day of January, 2023.

AARON D. FORD  
Attorney General

By: /s/ Kayla D. Dorame  
KAYLA D. DORAME, Bar No. 15533  
Deputy Attorney General

*Attorneys for Defendants*

**IT IS SO ORDERED.**

**DATED:** January 20, 2023

  
UNITED STATES MAGISTRATE JUDGE